

JOYCE W. LINDAUER  
JONATHAN GITLIN  
Attorneys at Law  
8140 Walnut Hill Lane  
Suite 301  
Dallas, Texas 75231  
PH (972) 503-4033  
FAX (972) 503-4034  
Proposed Attorney for Debtor

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

IN RE:	§	
	§	
S&S Food Corporation,	§	CASE NO. 11-32325-bjh-11
	§	
DEBTOR.	§	CHAPTER 11

**EMERGENCY MOTION FOR USE OF CASH COLLATERAL**

**TO THE HONORABLE UNITED STATES BANKRUPTCY COURT:**

COMES NOW **S&S Food Corporation**, the Chapter 11 Debtor in the above styled and referenced bankruptcy case (the "Debtor"), and files this its Emergency Motion for Use of Cash Collateral pursuant to 11 U.S.C. §363 of the Bankruptcy Code and in support of same would respectfully show the following:

1. On April 4, 2011, the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code. The Debtor is now operating its business and managing its property as a debtor in possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code. No request has been made for the appointment of a trustee or examiner and no official committee has yet been appointed.

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue of the Chapter 11 case and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. Debtor requests the Court to enter an Interim Order for Use of Cash Collateral in the form attached hereto as **Exhibit "A."**

4. Debtor has an immediate need to use the cash collateral of Wilshire State Bank (the "Bank"), the Debtor's secured creditor claiming liens on Debtor's personal property including accounts and inventory. The Debtor can adequately protect the interests of the Bank as set forth in the proposed Interim Order for Use of Cash Collateral by providing the Bank with post-petition liens, a priority claim in the Chapter 11 bankruptcy case, and cash flow payments. The cash collateral will be used to continue the Debtor's ongoing operations. The Debtor is in the business of owning and operating a gas station/convenience store. The Budget attached to the proposed Order permits the payment of ongoing operating expenses of the Debtor in order to allow the Debtor to maintain its operations in Chapter 11. The Debtor intends to rearrange its affairs and needs to continue to operate in order to pay its ongoing expenses, generate additional income and to propose a plan in this case.

5. This is an emergency matter since the Debtor has no outside sources of funding available to it and must rely on the use of cash collateral to continue its operations.

6. This motion is supported by the Motion for Setting and Request for Expedited Hearing filed contemporaneously herewith.

WHEREFORE, PREMISES CONSIDERED, Debtor requests that the Court enter the Interim Order for Use of Cash Collateral in the form attached hereto as **Exhibit "A."** and for such other and further relief to which the Debtor may show itself justly entitled.

**DATED** April 6, 2011

Respectfully submitted,

Joyce W. Lindauer  
Attorneys at Law  
8140 Walnut Hill Lane, Suite 301  
Dallas, Texas 75231  
(972) 503-4033  
(972) 503-4034 Fax  
(PROPOSED) ATTORNEY FOR DEBTOR

By: /s/ Joyce W. Lindauer  
Joyce W. Lindauer  
SBN: 21555700

**CERTIFICATE OF SERVICE**

I hereby certify that on April 7, 2011 a true and correct copy of the foregoing document was sent by electronic filing and/or first class, United States mail to the United States Bankruptcy Trustee and those persons on the attached Service List.

**ATTACHED SERVICE LIST**

/s/Joyce W. Lindauer  
Joyce W. Lindauer